

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X
:
UNITED STATES OF AMERICA
:
- v.
:
MARK S. SCOTT,
:
Defendant.
:
- - - - -X

**PROTECTIVE
ORDER**

17 Cr. 630 (ER)

WHEREAS, the United States of America seeks to provide in unredacted form certain documents pursuant to Rule 16 of the Federal Rules of Criminal Procedure; and

WHEREAS, some material that the Government seeks to provide contains personal identification information of specific individuals, and other confidential information; and

WHEREAS, the Government is willing, under the conditions set forth below, to produce such materials;

IT IS HEREBY agreed, by and between the United States of America, Geoffrey S. Berman, United States Attorney, by Christopher J. DiMase, Assistant United States Attorney, and Julieta V. Lozano, Special Assistant United States Attorney, and defendant Mark S. Scott, by and through his attorneys, Arlo Devlin-Brown, Esq. and Alan Vinegrad, Esq., that:

1. The Government will designate and identify as "Confidential Information" any material reflecting personal identification information (including, but not limited to,

names, dates of birth, Social Security numbers, and bank account numbers), and other confidential information.

2. Confidential Information disclosed to the defendant or to his counsel during the course of proceedings in this action:

(a) Shall be used by the defendant and his counsel only for purposes of the defense of this action;

(b) Shall be maintained in a safe and secure manner solely by the defendant's counsel; shall not be possessed by the defendant, except in the presence of the defendant's counsel; and shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below;

(c) May be disclosed by the defendant or his counsel only to the following persons (hereinafter "Designated Persons"):

(i) investigative, secretarial, clerical, and paralegal student personnel employed full-time or part-time by the defendant's counsel;

(ii) independent expert witnesses, investigators, advisors, or litigation support service providers retained by the defendant's counsel in connection with this action;

(iii) such other persons as hereafter may be authorized by the Court upon motion by the defendant; and

(d) Shall be returned to the Government following the conclusion of the trial of the above-referenced action, or upon the defendant's sentencing and the exhaustion of any and all appellate and collateral remedies, as the case may be, and any and all copies made of said Confidential Information shall be shredded, erased, and/or destroyed, as the case may be.

3. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom they disclose Confidential Information pursuant to paragraph 2(c). Prior to disclosure of Confidential Information to Designated Persons, pursuant to paragraph 2(c), any such Designated Person shall agree to be subject to the terms of this Order by signing a copy hereof and providing said copy to defendant's counsel, who shall retain it during the course of the proceeding.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in connection with the above-referenced action or to any District Judge or Magistrate Judge of this Court, or any appellate court, for purposes of the above-referenced action.

5. By entering into this agreement, the defense does not concede that all information designated by the Government as "Confidential Information" in fact merits the protective measures described in this Order and reserves the right to

challenge such designations by the Government. If the parties cannot reach agreement, the defense reserves the right to raise any such dispute with the Court.


6. With respect to Confidential Information, any filings with any court shall be governed by Rule 49.1 of the Federal Rules of Criminal Procedure.

Dated: New York, New York
October 16, 2018


AGREED BY:

GEOFFREY S. BERMAN
United States Attorney for the Southern
District of New York

By:



Christopher J. DiMase / Julieta V. Lozano
Assistant United States Attorney /
Special Assistant United States Attorney
(212) 637-2433 / (212) 335-4025



Covington & Burling LLP
Arlo Devlin-Brown, Esq / Alan Vinegrand, Esq
Attorneys for Defendant Mark Scott

SO ORDERED:



HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE